

## REMARKS

In an Office Action dated April 30, 2008, the Examiner rejected claims 11-16 under 35 U.S.C. §103(a) as being unpatentable over Lundby et al. (U.S. patent no. 6,356,528, hereinafter referred to as “Lundby”) in view of Czaja et al. (U.S. patent no. 6,567,666, hereinafter referred to as “Czaja”). The rejections are traversed and reconsideration is hereby respectfully requested.

The applicants are canceling claims 11-14.

The Examiner rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lundby in view of Czaja. Specifically, with respect to claim 15, the Examiner contended that Lundby teaches an apparatus for detecting a broadcast control channel energy in a multi-generational mobile station (MS) including a pseudo-noise despreader for despreading a received broadcast control channel signal according to a known base station pseudo-noise sequence, a broadcast control channel Walsh Code despread for despreading the received signal according to a known Walsh Code for the broadcast control channel, and a signal energy calculator for calculating a signal energy of the signal despread by the pseudo-noise despreader and the Walsh Code despread (FIG. 3; col. 7, line 45, to col. 8, line 35). The Examiner acknowledged that Lundby does not teach scaling the calculated signal energy according to a preset scaling factor and a comparator for comparing the scaled signal energy to a threshold but contended that this is taught by Czaja’s teaching an MS measuring a signal strength of a pilot and reporting this signal strength to a base station (FIG. 6; col. 7, lines 39-58). The applicants respectfully disagree with the application of Lundby and Czaja to the pending claims.

Nowhere does Lundby teach any signal energy calculator for calculating a signal energy of the signal despread by the pseudo-noise despreader and the Walsh Code despread. In the section of Lundby cited by the Examiner, which section describes the operation of the receiver of Lundby, no mention is made of calculating a signal energy of a despread signal and nowhere does FIG. 3 depict any such signal energy calculator. While Czaja mentions an MS measuring a strength of a pilot signal, pilot signals are transmitted/received via pilot channels and specifically are used for channel estimation.

Broadcast control channels are different from pilot channels, convey different information than the pilot channel, and are used for a different purpose. The pilot signal is not a broadcast control channel signal, a pilot channel is different from a broadcast control channel, and nowhere does Czaja, nor Lundby, teach calculating a signal energy of a broadcast control channel signal received via a broadcast control channel.

Furthermore, nowhere does Czaja teach any scaling of an energy of a pilot signal. In fact, scaling an energy of a pilot signal would make little sense as pilot signals are used for channel estimation and a pilot signal's received signal strength is critical to estimating a channel. Scaling an energy of a pilot signal would be contrary to the purpose of the pilot signal.

Therefore, neither Czaja nor Lundby, individually or in combination, teaches the apparatus of claim 15 that detects a broadcast control channel energy in a multi-generational mobile station, which apparatus includes a signal energy calculator for calculating a signal energy of the signal despread by the pseudo-noise despreader and the Walsh Code despread and a multiplier for scaling the calculated signal energy according to a preset scaling factor. Accordingly, the applicants respectfully request that claim 15 may now be passed to allowance.

Since claim 16 depends upon allowable claim 15, the applicants respectfully request that claim 16 may also be passed to allowance.

As the applicants have overcome all substantive objections and rejections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Furthermore, please charge any additional fees (including any extension of time fees), if any are due, or credit overpayment to Deposit Account No. 50-2117.

Respectfully submitted,  
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